

106TH CONGRESS
1ST SESSION

H. CON. RES. 62

Expressing the sense of Congress regarding the guaranteed coverage of chiropractic services under the Medicare+Choice program.

IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 1999

Mrs. CUBIN submitted the following concurrent resolution; which was referred to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

CONCURRENT RESOLUTION

Expressing the sense of Congress regarding the guaranteed coverage of chiropractic services under the Medicare+Choice program.

1 *Resolved by the House of Representatives (the Senate*
2 *concurring),*

3 **SECTION 1. SENSE OF CONGRESS REGARDING GUARAN-**
4 **TEED COVERAGE OF CHIROPRACTIC SERV-**
5 **ICES UNDER THE MEDICARE+CHOICE PRO-**
6 **GRAM.**

7 (a) FINDINGS.—The Congress finds the following:

1 (1) In 1972 Congress included chiropractors
2 under the medicare part B definition of physician to
3 provide treatment by means of manual manipulation
4 of the spine to correct a subluxation. This language
5 was crafted to identify a specific chiropractic service
6 using terminology that at the time was unique to
7 chiropractic. No other medical profession used the
8 term manual manipulation of the spine to correct a
9 subluxation. Congress was aware in 1972 that pa-
10 tients required direct access to chiropractic if the
11 benefit was to have any practical meaning.

12 (2) Under traditional fee-for-service medicare,
13 beneficiaries were given direct access to doctors of
14 chiropractic for this benefit. The sole limitation,
15 shared by all medicare providers, is the limitation
16 outlined in section 1862(a)(1) of the Social Security
17 Act, which requires medicare to pay only for those
18 services that are determined to be reasonable and
19 necessary.

20 (3) Treatment by manual manipulation of the
21 spine to correct a subluxation is uniquely chiro-
22 practic. Doctors of chiropractic are the only pro-
23 viders educated and trained to perform the treat-
24 ment of manual manipulation of the spine to correct
25 a subluxation.

1 (4) In 1982 Congress established the Medicare
2 HMO/CMP program directing that all HMO's pro-
3 vide all part B benefits to medicare beneficiaries. In
4 promulgating regulations, the Health Care Financ-
5 ing Administration created a regulatory authority
6 for HMO's to specify which provider would furnish
7 medicare benefits.

8 (5) In 1990 Congress directed the Health Care
9 Financing Administration to study the extent to
10 which medicare HMO's make chiropractic services
11 available to medicare beneficiaries. Based on the
12 findings of this study, the Secretary of Health and
13 Human Services was required to make specific legis-
14 lative and regulatory recommendations necessary to
15 ensure access to chiropractic services. The study and
16 subsequent recommendations have not been forth-
17 coming.

18 (6) Historically, chiropractic patients in medi-
19 care have encountered near total exclusion from
20 chiropractic services once they enter into a medicare
21 HMO.

22 (7) The Balanced Budget Act of 1997, which
23 instituted part C of medicare, establishes that each
24 Medicare+Choice plan "shall provide those items

1 and services . . . for which benefits are available
2 under parts A and B”.

3 (8) As a covered service under part B of medi-
4 care, chiropractic care which includes treatment by
5 means of manual manipulation of the spine to cor-
6 rect a subluxation as performed by a doctor of chiro-
7 practic, should be a covered service under part C.

8 (b) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that—

10 (1) treatment by means of manual manipulation
11 of the spine to correct a subluxation is a uniquely
12 chiropractic service, which Congress recognized in
13 1972 as a medicare part B benefit;

14 (2) it is the unequivocal intent of Congress to
15 ensure that every Medicare+Choice beneficiary has
16 access to all services covered under the original part
17 B medicare fee-for-service program; and

18 (3) as a covered medicare part B service, treat-
19 ment by means of manual manipulation of the spine
20 to correct a subluxation provided by a doctor of
21 chiropractic is a guaranteed service for beneficiaries
22 under the new Medicare+Choice program.

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